

## REMARKS

### **Claim Rejections**

Claims 1, 3-5, 8 and 40 are rejected under 35 U.S.C. 103(a) as unpatentable over U.S. Patent No. 5,280,909 (Tracy) in view of U.S. Patent No. 6,712,695 (Mothwurf et al.).

Claims 2, 6-7, 9-17, 19-21 and 41 are rejected under 35 U.S.C. 103(a) as unpatentable over Tracy in view of Mothwurf et al. and U.S. Patent No. 6,892,938 (Solomon).

Claims 22-23 and 25-39 are rejected under 35 U.S.C. 103(a) as unpatentable over Solomon in view of Mothwurf et al.

### **Claim Amendments**

The independent claims are amended to further patentability distinguish over the cited references.

### **The Cited References**

Tracy is directed to a gaming system 10 in which a plurality of gaming machines 2-5 are configured to allow players on the gaming machines to play for a progressive jackpot. (Col. 4, lines 5-10). The gaming system includes a controller 11 which links the gaming machines. (Col. 4, lines 35-38). The controller includes a generator 25 which establishes a jackpot win value  $JP_w$  for the progressive jackpot. (Col. 4, lines 54-56). A CPU 21 determines whether a progressive jackpot has been won. The particular gaming machine whose unit bet information resulted in the win is assessed the winner of the progressive jackpot. The CPU advises the winning machine, and the payout amount  $JP_w$  is manually made by gaming personnel to the player at the winning machine. (Col. 5, lines 30-37).

The system 10 can be modified to stimulate game play during the beginning of each progressive game cycle. Specifically, the CPU 21 is configured such that it enables the  $JP_w$  amount established at the beginning of each game cycle to be displayed on gaming machine displays 13A-13D and an overhead display 12. (Col. 5, lines 51-60; Col. 3, lines 25-31).

The controller 11 may also be configured such that the signaling conveyed to a gaming machine which is a winner of the progressive jackpot, not only indicates that the gaming machine has won the jackpot, but also includes payout and control signal information for enabling the gaming machine itself to make the payout. With this modification, each gaming machine is adapted to recognize and respond to the payout and control signal information from the controller and to make the required payout. (Col. 6, lines 62 to Col. 7, line 4).

Solomon is directed to a gaming system 10 which uses sensed biometric characteristics of employees to complete a transaction or a payout, for example, jackpots, cancelled credits, hopper fills, etc. associated with a gaming machine 12. (Col. 3, lines 1-7). A computer 38 is adapted to compare the sensed biometric characteristic with a stored characteristic of an employee and to confirm that the sensed biometric characteristic matches the stored characteristic. In the example of a jackpot, payment is then authorized if a match is confirmed. (Col. 5, lines 1-6).

In another example, a jackpot ticket is printed. An employee takes the ticket to a cashier station 22 for payment. If the amount of the payment is over a predetermined value, then the payment may require additional authorization by another employee, for example, a cashier. (Col. 6, lines 33-38).

Mothwurf et al. is directed to a jackpot system for allocating the wins from at least one jackpot to players playing at different gaming positions. A selection is compared to a payable, and if the selection corresponds to a winning entry of the payable, an award is made to at least one player. (Abstract).

### **Applicant's Claimed Invention Would Not Have Been Obvious**

Three criteria must be met to establish obviousness. First, the prior art must provide one of ordinary skill in the art with a suggestion or motivation to modify or combine the teachings of the references relied upon in rejecting the claims. Second, the prior art must provide one of ordinary skill in the art with a reasonable expectation of success. Third, the prior art, either alone or in combination, must teach or suggest each and every limitation of the rejected claims. The teaching or suggestion to make the claimed invention, as well as the reasonable expectation of success, must come from the prior art and not from Applicant's disclosure. If any one of these criteria is not met, a case of obviousness is not established. Also, some articulated reasoning with rational underpinnings must be provided to support a *prima facie* case of obviousness.

The cited combinations of references neither disclose nor suggest a method for electronically witnessing a jackpot payment by a casino employee or attendant without a human corroborating witness. Thus, a *prima facie* case of obviousness has not been made out.

Claim 1, for instance, calls for a method for authorizing a manual payment of a gaming jackpot. The method includes receiving a jackpot winning signal from a gaming machine at a jackpot server. The jackpot signal includes a jackpot value of a jackpot won by a player. The method further includes receiving a payment user transaction signal at the jackpot server. The transaction signal includes a payment user identifier and a jackpot transaction value inputted by a payment attendant. The payment user identifier identifies the payment attendant. A comparison is

made between the jackpot value of the jackpot signal and the jackpot transaction value of the transaction signal at the jackpot server. A confirmed jackpot value is generated if the jackpot value of the jackpot signal is equal to the jackpot transaction value of the transaction signal. A transfer of the confirmed jackpot value to a player is then authorized without a requirement for a human corroborating payment witnessing user. A record of the authorized transfer is also created.

Tracy was said to disclose “a method for authorizing a manual payment of a gaming jackpot.” (Office Action, ¶3). Specifically, it was said that Tracy discloses that a “communication unit 26 receives jackpot hit data message from one of the gaming machine 10 and ASCII ‘0-7’ to indicate which of jackpot listed in Table 16 has been hit.” (Id.).

However, there is no reference in Tracy to a “communication unit 26”, “gaming machine 10”, “ASCII – ‘0-7’” or a “Table 16”. Thus, this aspect of the rejection is unsupported by Tracy.

Moreover, Tracy was said to disclose, “receiving a payment user transaction signal, said transaction signal including a payment user identifier and a jackpot transaction value (see column 6, lines 62-68...).” (Id.). This particular disclosure of Tracy relates to “payout and control signal information for enabling the gaming machine to itself make the payout”. (Col. 6, lines 62-68). As explained in Tracy, “[w]ith this modification each gaming machine is itself adapted to recognize and respond to the payout and control signal information from the controller and to make the required payout.” (Col. 7, lines 1-4).

This payout and control signal information is not received at a jackpot server. Instead, it is received at a gaming machine. This payout and control signal information is also not inputted by a payment attendant or a jackpot payment user. Additionally, this signal information does not identify a payment attendant. And this information signal has nothing to do with witnessing a jackpot payout by a payment attendant without a human corroborating payment witness.

Tracy was also set to disclose “generating a confirmed jackpot value if the jackpot value of the jackpot winning signal is equal to the jackpot transaction value of the transaction signal.” (Office Action, ¶ 3). Specifically, it was said that the communication unit 26 transmits “to particular game unit confirming current value of the jackpot hit”. (Id.).

As discussed, there is no disclosure in Tracy of a communication unit 26. Further, there is no disclosure in Tracy of generating a confirmed jackpot value if a jackpot value of a jackpot winning signal is equal to a jackpot transaction value of a payment user transaction signal inputted by a payment attendant.

Moreover, this step of claim 1 calls for comparing the jackpot value of the jackpot winning signal to the jackpot transaction value of the payment user transaction signal at the jackpot server.

There is no discussion in the Office Action of this claim feature. This is because the cited references do not disclose it.

Tracy was also said to disclose “authorizing transfer of the confirmed jackpot value to the player without a requirement for a corroborating payment witnessing user, and creating a record of the authorized transfer (see column, 7, lines 25-30).” (Office Action, ¶ 3).

This disclosure of Tracy, however, relates to gaming machine payouts and criteria for determining payouts. Tracy notes that the payouts and criteria for determining payouts “can be automatically effected by the machines themselves without the aid of gaming personnel.” (Col. 7, lines 25-30). Again, this absolutely has nothing to do with a method for witnessing a jackpot payment by a payment attendant without the need for a human corroborating payment witness. Indeed, this disclosure of Tracy teaches away from Applicant’s claimed invention in that the payouts and criteria for determining payouts are made automatically without the aid of any gaming personnel.

It was also said in the Office Action that “Tracy does not **teach receiving winning signal from gaming machine and payment user transaction signal at a jackpot server and comparing these value to generate jackpot value.**” (Emphasis in original). (Office Action, ¶ 3). This statement as to what Tracy does or does not teach is irrelevant as it in no way relates to Applicant’s claimed invention.

Applicant’s claimed method calls for comparing a jackpot value of the jackpot winning signal to the jackpot transaction value of the payment user transaction signal at a jackpot server and generating a confirmed jackpot value if the jackpot value of the jackpot winning signal is equal to the jackpot transaction value of the payment user transaction signal. This is done in order to determine whether a jackpot value can be paid to a player by a payment attendant without the requirement for a human corroborating payment witnessing user.

Neither Tracy nor Mothwurf et al. have anything to do with determining whether a jackpot payment may be made to a player by a payment attendant without a corroborating payment witness. As noted, Tracy is directed to a gaming system 10 in which a plurality of gaming machines 2-5 are configured to allow players on the gaming machines to play for a progressive jackpot. (Col. 4, lines 5-10). The jackpot amount  $JP_w$  may be paid to a winning player by gaming personnel or the gaming machine itself. Mothwurf et al. is directed to a jackpot system for allocating wins from a jackpot to players playing at different gaming positions. A selection is compared to a payable. If the selection corresponds to a winning entry of the payable, an award is made to at least one player associated with a gaming position which triggered the selection.

(Abstract). Neither reference is concerned with determining whether a jackpot should be paid to a player by a payment attendant without the need for a corroborating witness.

Further, regarding amended claim 22, Solomon does not disclose generating a jackpot payment transaction request by a jackpot user including a jackpot payment user identifier and a jackpot payout request value wherein the jackpot payment user identifier identifies the jackpot payment user or attendant. Indeed, the cited portion of Solomon in the Office Action simply relates to a description of Figures 3-5. (See, Col. 2, lines 53-67).

Also, it was conceded that Solomon does not disclose verifying at a jackpot server a jackpot payment request value with a jackpot signal value transmitted from a gaming machine. (Office Action, ¶19). As such, Mothwurf et al. was relied upon as disclosing this feature.

However, Mothwurf et al., as discussed, does not disclose a method for electronically witnessing a jackpot payment by a casino employee or attendant without a human corroborating witness. Rather, Mothwurf et al. discloses a jackpot system in which a determination is made as to whether a selection corresponds to a winning entry of a payable. This has nothing to do with verifying at a jackpot server that the jackpot payout request value generated by a payment user or attendant is equal to a jackpot signal value, thereby permitting payment of the jackpot signal value to a winning player without a human jackpot payment corroborating witness.

Additionally, Solomon does not disclose printing a receipt including indicia that a human jackpot payment corroborating witness was not required for the transfer of a verified jackpot value. Instead, Solomon discloses that additional authorization may be required if the jackpot amount is greater than a predetermined value. (Col. 6, lines 28-38). In Solomon, no receipt is generated including indicia that indicates that a jackpot payment was made without a corroborating witness.

### **Conclusion**

In view of the foregoing, it is respectfully submitted that all the claims are now in condition for allowance. Accordingly, allowance of the claims at the earliest possible date is requested.

If prosecution of this application can be assisted by telephone, the Examiner is requested to call Applicant's undersigned attorney at (510) 663-1100.

If any fees are due in connection with the filing of this amendment (including any fees due for an extension of time), such fees may be charged to Deposit Account No. 504480 (Order No. IGT1P317).

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Respectfully submitted,

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